IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) STANLEY FILTER CO., LLC, an Oklahoma limited liability company, Plaintiff, **v.** **(1) WINGMASTER SALES, LLC,** a New Mexico limited liability company, Defendant.	Case No. 17-cv-182-CVE-FHM **JURY TRIAL DEMANDED**

COMPLAINT

Plaintiff, Stanley Filter Company, LLC ("Plaintiff"), by its undersigned attorneys, alleges as its Complaint against Defendant, Wingmaster Sales, LLC ("Defendant"), as follows:

NATURE AND BASIS OF ACTION

1. This action seeks permanent injunctive relief and damages against Defendant for will full infringement of Plaintiff's Stanley Filter Marks (as defined below) under the Lanham Act of 1946, as amended, 15 U.S.C. §§ 1051, et seq. (the "Lanham Act"), and for engaging in unfair competition, deceptive acts and other unlawful practices under the Lanham Act and related state claims.

PARTIES

2. Plaintiff is an Oklahoma limited liability company organized and existing under the laws of the State of Oklahoma with its principal place of business at 8189 East 44th Street, Tulsa, Oklahoma 74145.

3. Defendant is a New Mexico limited liability company organized and existing under the laws of the State of New Mexico with its registered place of business at 1316 West

Cochiti, Hobbs, New Mexico, 88240 and a principal place of business at 1152 West Marland, Hobbs, NM 88240.

JURISDICTION AND VENUE

4. This Court has original jurisdiction of this action pursuant to 15 U.S.C. §§ 1116 and 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b).

5. This Court also has jurisdiction pursuant to 28 U.S.C. § 1332(a) because this action involves citizens of different states and the amount in controversy exceeds $75,000, exclusive of interest and costs.

6. This Court also has supplemental jurisdiction over all other claims pursuant to 28 U.S.C. § 1367 because this is a civil action of which the district courts have original jurisdiction, and the other claims are so related to the claims in the action within such original jurisdiction they form part of the same case or controversy.

7. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant (a) markets, distributes, offers for sale, and sells goods that infringe Plaintiff's intellectual property within the State of Oklahoma; (b) regularly transact and conduct business within the State of Oklahoma; and (c) have otherwise made or established contacts with the State of Oklahoma sufficient to permit the exercise of personal jurisdiction.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the acts or omissions giving rise to Plaintiff's claims occurred in this District; venue is also proper in this District pursuant to 28 U.S.C. § 1391(b)(1) because, on information and belief, Defendant resides or does business in this District and/or the State of Oklahoma.

ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF

9. Staring long before any use by Defendant of any of the marks at issue in this action, Plaintiff has extensively and continuously used a number of inherently distinctive word and design marks that identify and distinguish Plaintiff. Plaintiff, is, and at all times relevant hereto has been, the owner and/or exclusive licensee of all rights in and to the following trademarks (collectively, the "Stanley Filter Registered Marks"):

Trademark	Registration No.	Registration Date
STANLEY FILTER	1,659,433	October 8, 1991
ECCENTRIC-VEIN	3,685,339	September 22, 2009
BY OILMEN STANLEY FILTER FOR OILMEN	3,996,132	July 19, 2011

10. Plaintiff owns federal registrations and applications for the Stanley Filter Registered Marks identified above, all of which are valid, subsisting, unrevoked and incontestable. True and correct copies of the Certificates of Registration for the Stanley Filter Registered Marks are attached hereto as **Exhibit 1**. These federal registrations constitute prima facie evidence of their validity and conclusive evidence of Plaintiff's exclusive right to use the Stanley Filter Registered Marks in commerce in connection with the goods and services named therein and commercially related goods and services.

11. From a time long before any use by Defendant of any of the marks at issue in this action, Plaintiff also owns the following common law trademarks by virtue of its extensive and continuous use of a number of word marks to identify certain goods and services (the "Stanley Filter Common Law Marks"):

Trademark
FLT 1000M
FLT 1250M
FLT 1500M
FLT 2000M
ELT 1000M
ELT 1250M
ELT 1500M
ELT 2000M
EHT 1000M
EHT 1250M
EHT 1500M
EHT 2000M
SMFG 3.0
SMFG 3.75
SMFG 5.0
GSHT 3.0
GSHT 3.75

(the Stanley Filter Registered Marks and the Stanley Filter Common Law Marks are hereinafter collectively referred to as the “Stanley Filter Marks”).

12. Plaintiff sells downhole sand filters and oilfield services under its Stanley Filter Marks. Plaintiff also uses authorized distributors to sell its products at a specified minimum price.

13. Plaintiff maintains strict quality control standards for all goods and services, and Plaintiff inspects and/or approves all genuine Stanley Filter goods and services prior to their distribution and sale.

14. To date, Plaintiff has invested significant time, effort and money advertising and promoting goods and services branded with the Stanley Filter Marks in the United States and throughout the World, and displays the distinctive Stanley Filter Marks in its advertising and promotional materials. Plaintiff's efforts in this regard have resulted in widespread recognition of the Stanley Filter Marks. As a result, the sales of goods and services in connection with the Stanley Filter Marks have been significant for at least the last decade. The consuming public has come to associate the distinctive Stanley Filter Marks with products and services that are of exceptionally high quality, and come to recognize that products and services offered in connection with the Stanley Filter Marks originate from Plaintiff.

15. Accordingly, the Stanley Filter Marks have achieved secondary meaning as identifies of high quality downhole filtration solutions for the oil and gas industry.

16. For many years, Defendant was an authorized distributor of Plaintiff pursuant to a distributor/sales agency agreement (the "Agreement"); however, that relationship was terminated by Defendant.

17. While Defendant was an authorized distributor of Plaintiff, Defendant was authorized to promote and advertise, distribute, sell, and/or offer for sale goods, including

downhole sand filters and gas separators, in interstate commerce bearing the Stanley Filter Marks (the "Authorized Goods").

18. Upon information and belief, in addition to the Authorized Goods, Defendant is promoting and advertising, distributing, selling, and/or offering for sale goods, including downhole sand filters and gas separators, in interstate commerce bearing counterfeit and infringing trademarks that are exact copies of the Stanley Filter Marks (the "Counterfeit Goods"). Specifically, upon information and belief, Defendant is using identical copies of the Stanley Filter Marks for different quality goods. Plaintiff has used the Stanley Filter Marks extensively and continuously before Defendant began offering counterfeit and confusingly similar imitations of Plaintiff's goods.

19. Upon information and belief, Defendant's Counterfeit Goods are of a quality substantially and materially different than that of Plaintiff's genuine goods. Defendant, upon information and belief, is actively using, promoting and otherwise advertising, distributing, selling, and/or offering for sale substantial quantities of its Counterfeit Goods with the knowledge and intent that such goods will be mistaken for the genuine high quality goods offered for sale by Plaintiff despite Defendant's knowledge that it is without authority to use the Stanly Filter Marks. The net effect of Defendant's actions will cause confusion of consumers who will believe Defendant's Counterfeit Goods are genuine goods originating from, associated with, and approved by Plaintiff.

20. Defendant advertises its Counterfeit Goods for sale to the same consuming public as Plaintiff. Moreover, Defendant deceivingly promotes and advertises, distributes, sells and/or offers for sale its Counterfeit Goods to the exact same consumers to whom it promoted and advertised, distributed, sold, and/or offered for sale the Authorized Goods while an authorized

dealer for Plaintiff.. In so advertising these goods, Defendants improperly and unlawfully use the Stanley Filter Marks without Plaintiff's permission.

21. Upon information and belief, Defendant is concurrently targeting its counterfeiting and infringing activities toward consumers and causing harm within this district and elsewhere throughout the United States. As a result, Defendant is defrauding Stanley Filter and the consuming public for Defendant's own benefit.

22. Defendant's use of the Stanley Filter Marks, including the promotion and advertisement, reproduction, distribution, sale, and offering for sale of its Counterfeit Goods, is without Plaintiff's consent or authorization.

23. Defendant is engaging in the above-described illegal counterfeiting and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiff's rights for the purpose of trading on Plaintiff's goodwill and reputation. If Defendant's intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

24. Defendant's above identified infringing activities are likely to cause confusion, deception, and mistake in the minds of consumers, the public, and the trade before, during, and after the time of purchase. Moreover, Defendant's wrongful conduct is likely to create a false impression and deceive customers, the public, and the trade into believing there is a connection or association between Plaintiff's genuine goods and Defendant's Counterfeit Goods, which there is not.

25. Further, upon information and belief, Defendant is likely to transfer or secret its assets to avoid payment of any monetary judgment awarded to Stanley Filter.

26. Plaintiff has no adequate remedy at law.

27. Plaintiff is suffering irreparable and indivisible injury and has suffered substantial damages as a result of Defendant's unauthorized and wrongful use of the Stanley Filter Marks. If Defendant's counterfeiting and infringing, and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

28. The harm and damages sustained by Plaintiff have been directly and proximately caused by Defendant's wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of its Counterfeit Goods

COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT PURSUANT TO § 32 OF THE LANHAM ACT (15 U.S.C. § 1114)

29. Plaintiff adopts and incorporates each and every preceding paragraph as if set forth fully herein at this point.

30. This is an action for trademark counterfeiting and infringement against Defendant based on its use of counterfeit and confusingly similar imitations of the Stanley Filter Marks in commerce in connection with the promotion, advertisement, distribution, offering for sale, and sale of the Counterfeit Goods.

31. Defendant is promoting and otherwise advertising, selling, offering for sale, and distributing goods using counterfeits and/or infringements of one or more of the Stanley Filter Marks. Defendant is continuously infringing and inducing others to infringe the Stanley Filter Marks by using them to advertise, promote, and sell counterfeit and infringing goods.

32. Defendant's concurrent counterfeiting and infringing activities are likely to cause and actually are causing confusion, mistake, and deception among members of the trade and the general consuming public as to the origin and quality of Defendant's Counterfeit Goods.

33. Defendant's unlawful actions have caused and are continuing to cause unquantifiable damages to Plaintiff and are unjustly enriching Defendant at Plaintiff's expense.

34. Defendant's above-described illegal actions constitute counterfeiting and infringement of the Stanley Filter Marks in violation of Plaintiff's rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

35. Plaintiff has suffered and will continue to suffer irreparable injury and damage due to Defendant's above described activities if Defendant is not preliminarily and permanently enjoined.

COUNT II - FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION PURSUANT TO § 43(a) OF THE LANHAM ACT (15 U.S.C. § 1125(a))

36. Plaintiff adopts and incorporates each and every preceding paragraph as if set forth fully herein at this point.

37. Upon information and belief, Defendant's Counterfeit Goods bearing, offered for sale, and sold using copies of the Stanley Filter Marks have been widely advertised.

38. Defendant's Counterfeit Goods bearing, offered for sale, and sold using copies of the Stanley Filter Marks are virtually identical in appearance to Plaintiff's genuine goods. However, Defendant's Counterfeit Goods are different and likely inferior in quality. Accordingly, Defendant's activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of their Counterfeit Goods.

39. Defendant, upon information and belief, has used in connection with its advertisement, offer for sale, and sale of their Counterfeit Goods, false designations of origin and false descriptions and representations, including words or other symbols and trade dress, which tend to falsely describe or represent such goods and have caused such goods to enter into

commerce with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Plaintiff's detriment.

40. Defendant has authorized infringing uses of the Stanley Filter Marks, in Defendant's advertisement and promotion of its counterfeit and infringing branded goods. Defendant has misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by it are genuine, non-infringing goods.

41. Additionally, Defendant is using counterfeits and infringements of the Stanley Filter Marks in order to unfairly compete with Plaintiff and others within the oil and gas industry.

42. Defendant's above-described actions are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

43. Plaintiff has no adequate remedy at law, and has sustained indivisible injury and damage caused by Defendant's concurrent conduct. Absent an entry of an injunction by this Court, Plaintiff will continue to suffer irreparable injury to its goodwill and business reputation, as well as monetary damages.

COUNT III - COMMON LAW UNFAIR COMPETITION

44. Plaintiff adopts and incorporates each and every preceding paragraph as if set forth fully herein at this point.

45. This is an action against Defendant based on its promotion, advertisement, distribution, sale and/or offering for sale, of goods bearing marks that are virtually identical, both visually and phonetically, to the Stanley Filter Marks in violation of Oklahoma's common law of unfair competition.

46. Defendant is promoting and otherwise advertising, selling, offering for sale, and distributing goods bearing counterfeits and infringements of the Stanley Filter Marks. Defendant is also using counterfeits and infringements of the Stanley Filter Marks to unfairly compete with Plaintiff.

47. Defendant's infringing activities are likely to cause and actually are causing confusion, mistake, and deception among members of the trade and the general consuming public as to the origin and quality of Defendant's products by its use of the Stanley Filter Marks.

48. Plaintiff has no adequate remedy at law and is suffering irreparable injury and damage as a result of Defendant's actions.

COUNT IV - COMMON LAW TRADEMARK INFRINGEMENT

49. Plaintiff adopts and incorporates each and every preceding paragraph as if set forth fully herein at this point.

50. This is an action for common law trademark infringement against Defendant based on its promotion, advertisement, offering for sale, and sale of its Counterfeit Goods bearing the Stanley Filter Marks. Plaintiff is the owner of all common law rights in and to the Stanley Filter Marks.

51. Specifically, Defendant, upon information and belief, is promoting and otherwise advertising, distributing, offering for sale, and selling goods bearing infringements of the Stanley Filter Marks.

52. Defendant's infringing activities are likely to cause and actually are causing confusion, mistake, and deception among members of the trade and the general consuming public as to the origin and quality of Defendant's Counterfeit Goods bearing the Stanley Filter Marks.

53. Plaintiff has no adequate remedy at law and is suffering damages and irreparable injury as a result of Defendant's actions.

COUNT V - BREACH OF CONTRACT

54. Plaintiff adopts and incorporates each and every preceding paragraph as if set forth fully herein at this point.

55. The Agreement is a binding and enforceable contract.

56. Plaintiff has fulfilled its obligations under the Agreement.

57. Defendant's refusal to honor its obligations to Plaintiff under the Agreement constitutes a breach of contract.

58. Defendant, by and through its conduct as described above, has repeatedly breached and continues to breach the terms of the Agreement.

59. As a result of Defendant's breaches of the Agreement, Plaintiff has been damaged in an amount to be determined at trial.

COUNT VI - BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING

60. Plaintiff adopts and incorporates each and every preceding paragraph as if set forth fully herein at this point.

61. The Agreement is a binding and enforceable contract.

62. Implied in the parties' Agreement is a covenant of good faith and fair dealing between Plaintiff and Defendant.

63. This implied covenant prohibits Defendant from engaging in conduct that deprives Plaintiff of the benefits of the Agreement.

64. Notwithstanding this implied covenant, Defendant has refused to meet it obligations to Plaintiff under the Agreement.

65. Defendant, by and through its conduct described above, has breached the implied covenant of good faith and fair dealing owed to Plaintiff.

66. As a result of Defendant's breaches of the implied covenant of good faith and fair dealing, Plaintiff has been damaged in an amount to be determined at trial.

COUNT VII - UNJUST ENRICHMENT

67. Plaintiff adopts and incorporates each and every preceding paragraph as if set forth fully herein at this point.

68. Defendant has benefited from the Agreement.

69. Defendant has refused to pay Plaintiff the monies owed pursuant to the Agreement.

70. As such, Defendant has been unjustly enriched and has benefited at the direct expense of Plaintiff.

71. As a result of this unjust enrichment, Plaintiff has been damaged in an amount to be determined at trial.

PRAYER FOR RELIEF

72. WHEREFORE, Plaintiff demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief against Defendant as follows:

a. Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116 and Federal Rule of Civil Procedure 65 enjoining Defendant, its agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell its Counterfeit Goods; from infringing or counterfeiting the Stanley Filter Marks; from using the Stanley Filter Marks, or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress that may be calculated to falsely advertise the services or goods of Defendant as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiff; from falsely representing themselves as being connected with Plaintiff, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendant, are in any way endorsed by, approved by, and/or associated with Plaintiff; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of the Stanley Filter Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendant; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendant's goods as being those of Plaintiff, or in any way endorsed by Plaintiff and from offering such goods in commerce; and from otherwise unfairly competing with Plaintiff.

b. Entry of an Order temporary, preliminary, and permanent enjoining Defendant, its agents, representatives, servants, employees, and all those acting in concert or participation therewith, from passing off, inducing, or enabling others to sell or pass off any product or service as and for products and/or services produced by Plaintiff, where such products and services are not produced under the control and supervision of Plaintiff and approved by Plaintiff for sale under any of the Stanley Filter Marks;

c. Entry of an Order requiring Defendant to account to and pay Plaintiff for all profits and damages resulting from Defendant's trademark counterfeiting and infringing and unfairly competitive activities and that the award to Plaintiff be trebled, as provided for under 15 U.S.C. § 1117, or, at Plaintiff's election with respect to Count I, that Plaintiff be awarded statutory damages from the Defendant in the amount of two million dollars ($2,000,000.00) per each counterfeit trademark used and product sold, as provided by 15 U.S.C. § 1117(c)(2) of the Lanham Act.

d. Entry of an Order requiring Defendant to deliver up all printed materials, signage and other articles in the possession of Defendant bearing the Stanley Filter Mark, alone or in combination with any other words, or used in connection with the advertising, offering for sale or sale of products not emanating from Plaintiff, or not made under the authorization and control of Plaintiff.

e. Entry of an award of damages arising from Defendant's breaches of contract, breach of the covenant of good faith and fair dealing and unjust enrichment.

f. Entry of an award of Plaintiff's costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

g. Entry of an award of pre-judgment interest on the judgment amount.

h. Entry of an Order for any further relief as the Court may deem just and proper.

DATED: April 6, 2017

Respectfully submitted,

CROWE & DUNLEVY, P.C.

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